

REMARKS

The Final Office Action of March 7, 2006, has been considered by the Applicants. No claims have been amended. Claims 12, 15, 16, and 27 have been cancelled. Claims 11, 17-20, 22-24, and 26 remain pending. Reconsideration of the Application is requested.

Applicants note that in the prior response filed on December 20, 2005, claim 12 was labeled with a status identifier of "canceled", but was described as pending in the remarks section. To remove any ambiguity, claim 12 has again been cancelled in this response.

In the Office Action, claims 11, 12, 15-20, 22-24, 26, and 27 were rejected under 35 U.S.C. 103(a) as allegedly being obvious over Mammino (U.S. Patent No. 5,552,005) in view of Nelson (U.S. Patent No. 5,087,495). Applicants traverse the rejection.

In the prior response, there were two independent claims, claims 11 and 15. It appears that the Examiner treated claim 15 as dependent from claim 11. Claim 11 encompassed the embodiment shown in Fig. 4, while claim 15 encompassed the embodiment shown in Fig. 6. Claims 15, 16, and 27 have been cancelled.

With regard to independent claim 11, the references do not disclose all of the claim limitations. In particular, neither reference discloses a heatable strip separate from the compression wheel. Therefore, the combination cannot render obvious the instant claims. MPEP § 2143.03.

In forming the rejection, the Examiner referred to Fig. 10 of Mammino. Applicants further note that one could not provide a heatable strip on the apparatus 140 because the heatable strip would need to be suspended from two points and one point would interfere with the welding tool 142. This would render the prior art unsuitable for its intended purpose of welding and finishing. MPEP § 2143.01(V).

For these reasons, Applicants request withdrawal of the 103(a) rejection over Mammino and Nelson.

In paragraph 3, the Examiner replied to the arguments made in the response of December 20, 2005. He stated that the movement of the compression wheel will depend on the orientation of the seam region that is positioned on the support member and does not affect the operation of the compression wheel on the flexible wheel. Claims directed to apparatus must be distinguished from the prior art in terms of structure rather than function.

The Examiner's position here is incorrect. The Examiner is correct in that the movement of the wheel will depend on the orientation of the seam region. However, the Examiner ignores the fact that the seam region will always be oriented in the same direction on the support member. This is because independent claim 11, as it states in the preamble, contemplates an imaging member belt that is already joined at its ends. As such, the seam can only be oriented as in Fig. 4. Otherwise, the support member would have to poke through the belt itself. Thus, the orientation of the wheel and the support member, in relation to each other, are described in terms of structure. It is true that their orientation is described in terms of the belt, but that does not change the fact that their relationship is described.


CONCLUSION

For the above reasons, all pending claims (claims 11, 12, 15-20, 22-24, 26, and 27) are in condition for allowance. Additional search and examination is not believed necessary. Withdrawal of the rejections and issuance of a Notice of Allowance is requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he is hereby authorized to call Richard M. Klein, at telephone number 216-861-5582, Cleveland, OH.

Respectfully submitted,

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